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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 JOHN A.H. EDSALL, SR.,

11 Plaintiff,

No. CIV S-02-2155 GEB GGH P

12 vs.

13 R.N. JOHNSON, et al.,

14 Defendants.

ORDER

15 _____/
16 Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to
17 42 U.S.C. § 1983. In his June 22, 2006, motion for extension of time, plaintiff alleges that he
18 was placed in administrative segregation on December 22, 2005, and has since been unable to
19 gain access to obtain his legal property.

20 Pursuant to the All Writs Act, on July 5, 2005, the court ordered the Warden at the
21 Correctional Training Facility (CTF) to inform the court of the status of plaintiff's access to his
22 legal property. On August 11, 2006, plaintiff filed a notice with the court stating that he is
23 housed at Salinas Valley State Prison (SVSP), and not CTF. Accordingly, the court will direct
24 the Warden at SVSP to inform the court regarding plaintiff's access to his legal property.

25 No defendants are located at SVSP. Usually persons or entities not parties to an
26 action are not subject to orders for injunctive relief. Zenith Radio Corp. v. Hazeltine Research,

1 Inc., 395 U.S. 100 (1969). However, the fact one is not a party does not automatically preclude
2 the court from acting. The All Writs Act, 28 U.S.C. § 1651(a) permits the court to issue writs
3 “necessary or appropriate in aid of their jurisdictions and agreeable to the usages and principles
4 of law.” See generally S.E.C. v. G.C. George Securities, Inc., 637 F.2d 685 (9th Cir. 1981);
5 United States v. New York Telephone Co., 434 U.S. 159 (1977). This section does not grant the
6 court plenary power to act in any way it wishes; rather, the All Writs Act is meant to aid the court
7 in the exercise and preservation of its jurisdiction. Plum Creek Lumber Company v. Hutton, 608
8 F.2d 1283, 1289 (9th Cir. 1979).

9 The court is concerned that it may lose its jurisdiction if plaintiff is unable to
10 prosecute this action because he does not have access to his legal property.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Within ten days of the date of this order, the Warden of Salinas Valley State
13 Prison shall inform the court of the status of plaintiff’s access to his legal property related to this
14 action;

15 2. The Clerk of the Court is directed to serve this order on the Warden, Salinas
16 Valley State Prison, P.O. Box 1050, Soledad, California, 93960-1050;

17 3. The Clerk of the Court is directed to amend court records to reflect that
18 plaintiff is housed at Salinas Valley State Prison.

19 DATED: 9/19/06

/s/ Gregory G. Hollows

20 _____
21 GREGORY G. HOLLOWS
22 UNITED STATES MAGISTRATE JUDGE

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